

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

JOSE MANUEL ALMONTE.

Crim. No. 2:11-cr-158 (WJM)

ORDER

THIS MATTER comes before the Court upon Defendant's *pro se* motion for leave to appeal out of time, filed on February 16, 2012 (ECF No. 79); the Court noting that the judgment being appealed was entered on January 11, 2012; the Court finding that, pursuant to Federal Rule of Appellate Procedure 4(b)(1)(A), the deadline for Defendant to file a notice of appeal was January 25, 2012; the Court noting that, pursuant to Federal Rule of Appellate Procedure 4(b)(4), it may extend the time for Defendant to file a notice of appeal for a period not to exceed 30 days beyond the January 25, 2012 deadline upon a finding of excusable neglect or good cause;¹ and the Court finding that, based upon Defendant's February 16, 2012 submission, excusable neglect and good cause have been shown;

IT IS on this 1st day of March 2012, hereby,

ORDERED that Defendant's motion is **GRANTED**.

s/William J. Martini
WILLIAM J. MARTINI, U.S.D.J.

¹ See also, *United States v. Richmond*, 120 F.3d 434 (3d Cir. 1997).